

Project Plan:

Comprehensive Review and Re-Write of the Chevy Chase Village Building Code

Concern: The Board of Managers and Village staff have discovered inadequacies, confusing provisions, illogical order and discrepancies within the Village Code. These have led to a process that can be challenging for residents to understand and follow, and difficult for Village staff to administer and enforce. Additionally, there are substantive provisions in need of review.

Objective: A complete and thorough Building Code that is easy to understand, administer and enforce which will in turn yield regulatory compliance. Ordinances contained in the Village Building Code should:

1. Protect the public health, safety, welfare and preservation, improvement, and protection of land, water and improvements; (*Maryland Code Article 28, Section 8-115.1*)
2. Assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; (*Maryland Code Article 23A, Section 2(a)*)
3. Preserve peace and good order and secure persons and property from violence, danger and destruction, and the suppression and abatement of all nuisances. (*Section 77-14 of the Village Charter*)

Proposal: To address the above-stated concerns and meet the above-stated objective, I recommend the following:

- Convene an ad hoc committee comprised of no more than five residents, plus the Village's Permitting & Code Enforcement Coordinator
 - A former member of the Board of Managers
 - A member of the community who has served as an applicant for a major building project
 - A resident-architect/contractor/design-builder
 - One to two other interested residents
- The Board would appoint one of the committee members to serve as Chair
- The ad hoc committee would be tasked with reviewing each aspect of the Building Code seeking to:
 - simplify provisions
 - re-word confusing language and references
 - re-orient the sections so they are in a more logical layout
 - eliminate discrepancies, contradictions or inconsistencies as discovered in the current Code
 - address complaints of bureaucracy and "heavy-handed" provisions that are no longer useful

- make recommendations for substantive changes
- The ad hoc committee would gather input from:
 - residents' opinions and concerns
 - the Maryland Municipal League
 - neighboring municipal jurisdictions
 - the Code Enforcement and Zoning Officials Association
 - past records of the Village, including previous Resolutions (the preambles of which typically outline the concerns/problems that led the Board of Managers to approve a new Ordinance)

Recommended Timeline:

June 2012—Board appointment of the ad hoc Building Code Review Committee

October through November 2012—Interim report from the ad hoc committee (depending on the length of the report, the Board may choose to convene a work session with the members of the ad hoc committee to review the interim findings)

January 2013—Final committee report/Public Hearing on recommended revisions to the Building Code

March 2013—Adoption of the revised Ordinance¹.

Depending on the committee's comfort level, the comprehensive review should be completed within six months, with bi-monthly updates provided to the Board of Managers detailing the committee's progress, and seeking Board input on any areas requiring Board guidance.

¹ Substantive amendments to the Building Code require a 30-day review and comment period by the Montgomery County Council. Sufficient time should be permitted for this review.

Permitting To Do List

Code Provision	Proposed Modification
Chp. 17	Reforestation Program enforce requirements monitor (annually) (burden of proof--applicant) Reforestation requirement for "by right" removals
Appeals for Ch. 17 vs. 8	Posting differences: currently signs are required for tree removal appeals but not for building appeals
Sec. 8-1	"Rear Yard" definition for corner lots List "Intents and Purposes" of the Village Code; useful for appeal applicants
Chp. 8 or 10	Lead abatement policy- we have no regulations regarding exterior painting, which does not require a CCV permit; involves determining what the County policy/procedures are
Sec. 8	Require plans to be drawn to the nearest 1/4" Plat Diagram Policy Minimum level of accuracy w/in X feet of setbacks
Sec. 8-4(4) Sec. 8-4	In-kind front walkway replacements- should they require a license/permit and fee Definition and regulation of decorative landscape ponds Irrigation systems on private property- not specifically identified in the code
Sec. 8-4(5)	Suspend permit requirement for planting trees w/in 7' of property line- or add regulations regarding planting requirements
Sec. 8-8	Stormwater Management Submission Requirements: currently we have <i>guidelines</i> should that be codified?
Sec 8-11(b)3 & 8-11(c)3	Enforcement of Covenants Play Equipment subject to setback requirements Temporary sheds subject to setback requirements
Sec. 8-17	Soffits and overhangs not included in setback; setbacks measured from wall plane
Reconcile 8-22 and 8-31 Sec 8-31	Proximity of fences and walls to sidewalks: 3' (private prop.) vs. 2' (ROW) Railings & Lights: not structures for the purposes of appeals
Sec. 8-27	Licenses to Use ROW- what requires one- modify subject plantings? and must all property owners sign it if we are not recording these
General ROW/APPEAL	Lamp posts not needing special permits Gutters not needing appeal "Revocable Permit" for right-of-way applications
Application revisions	Separate ROW Application Appeal Extension Application